



DOCKET NO. ETH1536

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Joseph H. Contiliano, et al.  
Serial No. : 09/874,218 Art Unit: 3738  
Filed : June 5, 2001 Examiner: W. Matthews  
For : Attachment Of Absorbable Tissue Scaffolds To Scaffold Fixation Devices

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on

August 19, 2004

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(Signature)

August 19, 2004

(Date of Signature)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

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TECHNOLOGY CENTER R3700

**Response**

Dear Sir:

This Response is filed in reply to the office action mailed on April 20, 2004. With the Petition of a one-month extension of time filed herewith, Applicants respectfully submit that this Response is timely filed.

**Remarks**

Claims 1-5, 7-11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gresser et al. Applicants respectfully traverse.

Applicants are claiming a tissue scaffold implant device. The device comprises as one component a foam tissue scaffold having a pore structure effective to facilitate tissue infiltration and growth into the foam scaffold. The effective pore structure is discussed in detail in the specification. As a second component, the device comprises a fixation component having a scaffold support component and a means for anchoring the device